

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

CHARLES DEMPSEY, individually, and
L.D. by her father and natural guardian,
CHARLES DEMPSEY,

Plaintiffs,

-against-

THE CITY OF ROCHESTER, a municipal
entity, JAVIER ALGARIN, “JOHN DOE”
RPD OFFICER RESPONSIBLE FOR
TRAINING JAVIER ALGARIN,

Defendants.

19-cv-6780 (EAW)(MWP)

**ATTORNEY DECLARATION IN
OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY
JUDGMENT**

ELLIOT D. SHIELDS, hereby declares under penalty of perjury and pursuant to 28
U.S.C. § 1746 that the following is true and correct:

A. I am the attorney for the Plaintiffs, CHARLES DEMPSEY, individually, and L.D.
by her father and natural guardian, CHARLES DEMPSEY, in this case and as such I am fully
familiar with the facts and circumstances of the case. I submit this declaration in opposition to
Defendants’ motion for summary judgment.

B. A true and correct copy of the following documents are attached as exhibits are
attached hereto:

Exhibit 1 – 50h selections
Exhibit 2 - Deed
Exhibit 3 - Arrest Report
Exhibit 4 - Algarin Deposition Selections
Exhibit 5 - Horowitz Deposition Selections
Exhibit 6 - Gorman Deposition Selections
Exhibit 7 - Gorman Body-Worn Camera (BWC)
Exhibit 8 - Horowitz Body-Worn Camera (BWC)

Exhibit 9 - Algarin Body-Worn Camera (BWC)
Exhibit 10 - Dempsey Deposition Selections
Exhibit 11 - Crosby Report
Exhibit 12 - screenshot.pdf
Exhibit 13 - screenshots.pdf
Exhibit 14 - LD Deposition Selections
Exhibit 15 - DiSabatino BWC
Exhibit 16 - Lindauer BWC
Exhibit 17 - Redacted CR 18-00258730 Incident Report
Exhibit 18 - Brodsky BWC.pdf
Exhibit 19 - Cuilla Deposition Selections
Exhibit 20 - Rudolph Deposition Selections
Exhibit 21 - Laureano Deposition Selections
Exhibit 22 – Training Bulletin L-45-19, Warrantless Searches of Curtilage.pdf
Exhibit 23 - D&C Article re dog shootings from 2004-2009
Exhibit 24 - Firearm Discharge Reports 2013-2018
Exhibit 25 - Taser Animal Certifications
Exhibit 26 - 2016 Taser Course Guide Pages
Exhibit 27 - Taser Course Guide 2019 PowerPoint (PDF filed on ECF, Powerpoint provided to the Court on a thumb drive with embedded videos).
Exhibit 28 - Crosby Deposition Selections
Exhibit 29 - DiDomenico Dep Selections.pdf
Exhibit 30 - DiDomenico 2014 training.pdf
Exhibit 31 - The Problem of Dog-Related Incidents and Encounters
Exhibit 32 – COPS Training Video: Tactical Considerations
Exhibit 33 - COPS Training Video: Use of Force Considerations
Exhibit 34 - COPS Training Video: Legal Considerations and Liability, Reporting and Documentation
Exhibit 35 - COPS Training Video: An Overview Assessing the Situation
Exhibit 36 - COPS Training Video: Communicating with Dogs and Police and Dog Body Language
Exhibit 37 - Cala Deposition Selections
Exhibit 38 - Trenton Deposition Selections
Exhibit 39 - Leach Deposition Selections
Exhibit 40 - Alexander Deposition Selections
Exhibit 41 - Romig Deposition Selections
Exhibit 42 - Kelly Deposition Selections
Exhibit 43 - Nellist Deposition Selections
Exhibit 44 - Brock Deposition Selections
Exhibit 45 - Vanbrederode Dep Selections.pdf
Exhibit 46 - Zimmerman Deposition Selections
Exhibit 47 - Cala BWC
Exhibit 48 - Pinckney Dep Selections.pdf
Exhibit 49 - Pickney BWC
Exhibit 50 - Celentano Dep Selections
Exhibit 51 - Celentano BWC

Exhibit 52 - Leach BWC
Exhibit 53 - Preston Incident Report
Exhibit 54 - Nigrelli Deposition Selections
Exhibit 55 - Rivera Deposition Selections
Exhibit 56 - Springer Deposition Selections

Dated: New York, New York
September 9, 2024

Respectfully Submitted,
ROTH & ROTH LLP

By: ~s/~
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To: All parties (via ECF)